IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

JOHNNY C. MR. FENN, JR., #238558	)	
	)	
Plaintiff,	)	
	)	Civil Action No.: CV-05-515-F
v.	)	
	)	
MIKE HUGHES, et al.,	)	
	)	
Defendants.	)	

AFFIDAVIT OF CHUCK RAILEY

Before me, the undersigned authority, on this day personally appeared Chuck Railey who being by me first duly sworn, deposed and stated upon his oath the following:

My name is Chuck Railey. I am over the age of twenty-one (21) years. I have personal knowledge of the following:

At all material times hereto, I was employed by the Troy Police Department as a Police Officer. I have been a law enforcement officer for approximately eighteen (18) years.

On October 3rd I received a call of a criminal trespassing at Pinckard's Convenience Food Mart on U.S. Highway 231 South involving Mr. Johnny Fenn. At that time Troy Police Officers Hughes and Mueller were dispatched to that location to make contact with Mr. Fenn. When we arrived he had already left. We had prior knowledge that this subject lived in this same area off of Parron Church Road.

We also had knowledge of a felony probation violation warrant against Mr. Fenn, requesting that he be arrested. I saw Mr. Fenn jump out of a vehicle and run behind a residence. We stayed in the area for several minutes trying to locate the subject. A Pike County Sheriff Deputy Tommy Price advised that he had seen the subject run from behind another trailer that we were close to, into the woods. We tried to set up a perimeter and a call for tracking dogs to see if we could locate Mr. Fenn.

At that time Officer Ben Crawley had taken his unit and gone around toward the Pocosin Road to help set up a containment perimeter. Officer Crawley had his unit on Pocosin Road. A subject pulled up beside him and motioned that he had a male in the truck with him; it was Mr. Fenn. Mr. Fenn exited that pickup truck and ran again. He ran down the road toward a red Ford Econoline van. Mr. Fenn jumped into this van and took it without permission. At this time Officer Crawley advised on the radio that he had witnessed the subject leaving and that he was in pursuit. Officer Crawley advised that Mr. Fenn took a right-hand turn onto Parron Church Road, which would take him back out toward U.S. Highway 231, where I was located. Officer Mueller was also located in that area. Two Sheriff's Deputies, Sam Mallory and Tommy Price, were also in that area as well as Officer Mike Hughes. I met Mr. Fenn on the roadway and tried to get him to stop. He went around my vehicle. I turned around and we called out a 10-100 pursuit. Officer Mueller passed me and we started up Parron Church Road headed in the direction of U.S. Highway 231, where Officer Hughes, Deputy Price and Deputy Mallory were located. In an effort to try to get Mr. Fenn to stop, Officer Hughes and Deputy Price set up a rolling roadblock. They tried to get the subject to stop in the road, but Mr. Fenn refused to stop. At this time he rammed the rear bumper of Officer Hughes' patrol car trying to force him out of the way. Mr. Fenn was traveling anywhere from thirty-five to forty-five miles per hour. When Mr. Fenn struck Officer Hughes' car he went off the right-hand side of the road and struck a mailbox; came back up onto the road, and struck Officer Hughes' patrol car trying to push Officer Hughes off the road again. Mr. Fenn's van hit Officer Mueller's car. He straightened back up and he proceeded on Parron Church Road into the ditch and up U.S. Highway 231.

Officer Mueller had significant damage to his car, but was still able to continue in the pursuit. Mr. Fenn pulled out in front of traffic and started toward Brundidge, Alabama in disregard of human life.

We traveled all the way to Brundidge. As we approached the main intersection of US Highway 231 and Highway 10 in Brundidge, Mr. Fenn cut across the median and proceeded into the parking lot of the Amoco Station at the intersection of US Highway 231 and Highway 10; and back out onto S.A. Graham Boulevard. The units involved in the pursuit were myself, the Sheriff's Deputies, Officer Mueller and a Brundidge unit. When Mr. Fenn exited the parking lot, he intentionally rammed Officer Mueller's car, striking it in the rear driver's side door. He proceeded through Brundidge, cutting through the yard of two residences onto another paved road. He proceeded down that street back onto Galloway Road and headed back into the direction of Brundidge. While traveling back towards Brundidge he reached speeds again in excess of seventy to eighty-five miles an hour. A Brundidge Police unit occupied by Officer King stopped his unit in the middle of the street in an effort to try to get Mr. Fenn to stop. Mr. Fenn made no effort to go to the left or to the right around his vehicle. He just rammed this police unit head-on, doing significant damage and disabling both vehicles. Mr. Fenn ran across the street into the yard of a residence. Officer Ben Crawley, Deputy Tommy Price, and got into foot pursuit of the subject. Officer Mueller finally caught Mr. Fenn as he was running down the middle of the street.

Mr. Fenn was placed in handcuffs and was laid down in the back seat of a Pike County Sheriff's car. He was kicking at officers and deputies. Officer Crawley directed Mr. Fenn to stop resisting. When Mr. Fenn refused, Officer Crawley sprayed him with Pepper Foam 10% chemical agent. Mr. Fenn was treated with bottled water from Officer Crawley's car by using the water to wash his face and eyes. Mr. Fenn was then transported to the Pike County Jail.

At no time did anyone strike Mr. Fenn. Only the amount of force necessary to subdue Mr. Fenn was used in order to gain control of the situation. Force was necessary to subdue Mr. Fenn because he posed a threat to himself and others.

Mr. Fenn at the scene advised that he did not need any medical attention. He did not have any injuries. I did not see any cuts or anything that would have indicated that he was injured.

Chuck Railey

CHUCK RAILEY

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, the undersigned Notary Public, did personally appear Chuck Railey who states to me that he is aware of the contents of the foregoing Affidavit, and that he did execute it voluntarily.

SWORN TO and SUBSCRIBED before me on this the 14th day of Nov., 2005.

Jacqueline R. Carlisle

NOTARY PUBLIC

JACQUELINE R. CARLISLE
Notary Public, AL State at Large
Comm. Expires Feb. 17, 2009